IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

WP(C).No. 33511 of 2007(M)

PETITIONER:

C.P.JOSE, S/O.PAULO, AGED 56 YEARS,
RETIRED SPECIAL GRADE ASSISTANT, K.S.R.T.C,
ALUVA DEPOT, RESIDING AT CHAKKIATH HOUSE,
KEEZHMADU, ERUMATHODE P.O., ALUVA - 5.

BY ADV. SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SRI.N.ASGAFEEK

RESPONDENTS:
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1. **THE MANAGING DIRECTOR, K.S.R.T.C,**
   TRANSPORT BHAVAN, THIRUVANANTHAPURAM.

2. **THE ASSISTANT TRANSPORT OFFICER,**
   K.S.R.T.C., ALUVA.

3. **PARAVUR TALUK GOVERNMENT SERVANTS**
   M.P.C.S. LTD.NO.123, REP. BY ITS SECRETARY.

BY GOVERNMENT PLEADER SRI.AJ.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN,J

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W.P.(C).No.33511 of 2007

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Dated this the 3rd day of December, 2007

JUDGMENT

The petitioner is a retired employee of the Kerala State Road Transport Corporation. He seeks out of turn payment of DCRG due to him. According to the petitioner, although the Division Bench of this Court has directed payment of DCRG and commuted value of pension in the order of priority of retirement, in view of the fact that the petitioner's property is sought to be attached and sold for recovery of the arbitration award, Ext.P2, the respondents may be directed to disburse the retirement benefits due to the petitioner out of turn. This is opposed by the standing counsel for KSRTC. According to him the KSRTC can only go by the Division Bench decision.

I have considered the rival contentions. In so far as the petitioner's property is sought to be proceeded against in execution of Ext.P2 arbitration award. It is only fair that the respondents disburse some amount to enable the petitioner to satisfy the award to avoid sale of his properties. Accordingly, I disposed of this writ petition with a direction to the respondents

1 and 2 to pay to the petitioner an amount of Rs.50,000/- from his retirement benefits out of turn. The said amount shall be paid within two weeks from the date of receipt of a copy of this judgment.

S.SIRI JAGAN, JUDGE

dvs